

5/1/07-01879



---

west virginia department of environmental protection

---

Division Of Land Restoration  
Office of Environmental Remediation  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304-2345

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

1 May 2007

Naval Facilities Engineering Command, Atlantic  
Steven Martin  
Remedial Project Manager for ABL  
NAVFAC Mid-Atlantic, Code EV3  
9742 Maryland Avenue  
Bldg N-26, Room 3208  
Norfolk, VA 23511-3095

*Re: Draft Engineering Evaluation/Cost Analysis For Site 1 Western Drainage Ditch*

Dear, Mr. Martin:

The West Virginia Department of Environmental Protection/ Division of Land Restoration (WVDEP/DLR) has completed the State evaluation for Applicable, Relevant and Appropriate Requirements (ARARs) *Engineering Evaluation/Cost Analysis For Site 1 Western Drainage Ditch*, Allegany Ballistics Laboratory, Rocket Center, West Virginia dated February 2007.

The following table contains the ARARs that should address the proposed action:

Type of Statute	Statute/Title	Regulation	Requirement Synopsis	Classification
Groundwater Protection	22-12	47-57-4	Except for any source or class of sources which has been granted a variance for the particular contaminant at issue, any person who owns or operates a source subject to the Act which has caused, in whole or in part, the concentration of any constituent to exceed any applicable groundwater quality standard subject to the Act, must cease further release of that contaminant and must make every reasonable effort to identify, remove or mitigate the source of such contamination and strive where practical to reduce the level of contamination over time to support drinking water use of such groundwater.	Applicable
Water Pollution Control Act	22-11	47-2	Conditions Not Allowable In State Waters.	Applicable
Water Pollution Control Act	22-11	47-2-3.2.a.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to distinctly visible floating or settle able solids, suspended solids, scum, foam or oily slicks	Applicable
Water Pollution Control Act	22-11	47-2-3.2.b.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to deposits or sludge banks on the bottom	Applicable

Type of Statute	Statute/Title	Regulation	Requirement Synopsis	Classification
Water Pollution Control Act	22-11	47-2-3.2.c.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to odors in the vicinity of the waters	Potentially Applicable
Water Pollution Control Act	22-11	47-2-3.2.d.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to taste or odor that would adversely affect the designated uses of the affected waters	Potentially Applicable
Water Pollution Control Act	22-11	47-2-3.2.e.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life	Applicable
Water Pollution Control Act	22-11	47-2-3.2.f.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to distinctly visible color	Potentially Applicable
Water Pollution Control Act	22-11	47-2-3.2.g.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to concentrations of bacteria which may impair or interfere with the designated uses of the affected waters	Potentially Applicable

Type of Statute	Statute/Title	Regulation	Requirement Synopsis	Classification
Water Pollution Control Act	22-11	47-2-3.2.h.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to requiring an unreasonable degree of treatment for the production of potable water by modern water treatment processes as commonly employed	Potentially Applicable
Water Pollution Control Act	22-11	47-2-3.2.i.	No sewage, industrial wastes or other wastes present in any of the waters of the state shall cause therein or materially contribute to any other condition, including radiological exposure, which adversely alters the integrity of the waters of the State including wetlands; no significant adverse impact to the chemical, physical, hydrologic, or biological components of aquatic ecosystems shall be allowed	Applicable
Water Pollution Control Act	22-11	47-10	National Pollutant Discharge Elimination System (NPDES) Program requirements	Applicable

Type of Statute	Statute/Title	Regulation	Requirement Synopsis	Classification
West Virginia Hazardous Waste Management Act	22-18	33-20-12.1	Recording Requirement. -- The owner of the property on which a hazardous waste management facility is located must record, in accordance with state law, a notation on the deed or lease to the facility property -- or on some other instrument that is normally examined during title search -- that will in perpetuity notify any potential purchaser of the property that: a. The land has been used to manage hazardous wastes; and  b. Its use is restricted under 40 CFR § 264.117(c).	Applicable
West Virginia Hazardous Waste Management Act	22-18	33-20-12.2	Upon actual transfer of property which contains hazardous wastes that have been stored, treated, or disposed of, the previous owner must notify the Director in writing of the transfer.	Applicable
West Virginia Solid Waste Management Act	22-15	33-1-7.1.c.	Except as provided in subdivisions 7.1.d and 7.1.e of this rule, no landowner may allow an open dump to exist on his or her property unless such open dump is under a compliance schedule approved by the Secretary.	Applicable
West Virginia Solid Waste Management Act	22-15	33-1-3.2.a.1.	No SWLF may be located within three hundred (300) feet of any surface water (facility drainage or sedimentation control structures are exempt from this distance calculation)	Applicable

Type of Statute	Statute/Title	Regulation	Requirement Synopsis	Classification
West Virginia Uniform Environmental Covenants Act	22-22B		The environmental covenant Act establishes former procedures for land use restrictions.	Applicable
			WVDEP Draft Sediment and Erosion control guidance document	To Be Considered

Sincerely,

Thomas L. Bass  
Environmental Resource Specialist  
Office of Environmental Remediation  
Superfund Group

cc: Donald Martin – WVDEP      John Aubert - NAVSEA  
Joshua Barber – USEPA      Steve Glennie – CH2MHill  
Lou Williams – NAVSEA